

REMARKS/ARGUMENTS

Claims 1-2, 4-10, and 12-21 are pending in the present application, of which claims 1 and 8 are independent. Applicant hereby amends claims 1 and 8. Claims 20 and 21 are new. No new matter has been added.

The courtesies extended to Applicant's representatives by Examiner Jeffrey R. Swearingen at the interview held on June 12, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

REJECTION UNDER 35 U.S.C. § 101

On pages 2 and 3, the Office Action rejects claims 1, 2, and 4-7 under 35 U.S.C. § 101 for allegedly reciting non-statutory subject matter. In particular, the Office Action alleges that that the recited "pre-computation module" is a software module, and that the policy server is software *per se* and does not qualify as statutory subject matter. Applicant respectfully traverses this rejection.

The test to determine whether a claimed process recites patentable subject matter under § 101 is whether: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. *In re Bilski*, 545 F.3d 943, 961-62 (Fed. Cir. 2008) (*en banc*).

Regarding the first prong of this test, Applicant respectfully submits that independent claim 1 recites a policy server, a particular machine. Contrary to the Office Action's allegation that the pre-computation module performs all of the steps in claim 1, a plurality of elements are present in claim 1: a pre-computation module, a scheduler, a triggering module, a policy decision distribution mechanism, and a policy repository.

Moreover, these elements cannot be defined as merely amounting to software. The policy repository, for example, may comprise a database with physical storage of particular policies. Triggering events, as disclosed in paragraph [0039] of the published specification include changes to the information stored in the database repository and events received from the communications network.

To emphasize that the policy server is a particular machine, the preamble of claim 1 now recites that the policy server is "in a communications network." This subject matter also appears in the body of the claim, on lines 20-21, in the recitation of "a triggering module that monitors events in the communications network." Thus, claim 1 clearly defines the policy server as a particular machine, thereby satisfying the first prong of the *Bilski* test.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 2, and 4-7 under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 103(A)

On pages 3-7, the Office Action rejects claims 1-2, 4-10, and 12-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,889,953 to Thebaut et al. (hereinafter "Thebaut") in view of U.S. Patent No. 6,587,876 to Mahon et al. (hereinafter "Mahon"). Applicant respectfully traverses this rejection for the reasons set forth below.

Independent claims 1 and 8 now recite, in part, the following subject matter: monitoring "all of said triggering conditions, wherein the triggering condition that corresponds to said policy equivalency class causes only member policies in said policy equivalency class to be reevaluated" (emphasis added). This subject matter finds support in the specification, for example, in paragraphs [0026] and [0044]. Only performing reevaluation for member policies within a policy equivalency class (PEC) that corresponds to a particular triggering condition greatly improves efficiency compared to the alternative of reevaluating all policies.

As discussed during the interview of June 12, 2009, Thebaut and Mahon, alone or in combination, do not disclose, suggest, or teach this subject matter. While Thebaut does describe policy management, Thebaut reevaluates all of the currently active policies. See lines 8-9 of col. 9 in Thebaut. Mahon fails to remedy the deficiencies of Thebaut because Mahon's "grouping targets of management policies relies upon central mapping." See lines 15-16 of col. 9 in Mahon.

Independent claim 8 recites, in part, “grouping a plurality of policies having an **identical** triggering condition that results in an **identical** policy decision into a policy equivalency class” (emphasis added). Claim 1 recites similar subject matter.

On page 3, the Office Action alleges that Thebaut discloses this subject matter, citing lines 35-54 of col. 4. While lines 35-36 of col. 3 in Thebaut do disclose that “objects are grouped into domains,” Thebaut does not describe a policy equivalent class. Instead of using identical triggering conditions and policy decisions as parameters, Thebaut relies upon “attributes of the objects,” as disclosed on lines 37-38 of col. 3. Moreover, Thebaut, on lines 26-28 of col. 3 describes objects in this manner: “Objects are the smallest units in the domain space, and they are defined in terms of their attributes.” Applicant respectfully submits that such attributes clearly are not the same as the claimed policy equivalent classes.

Independent claim 8 further recites, in part, “identifying and **explicitly separating** a plurality of policy conditions into passive conditions and triggering conditions” (emphasis added). Claim 1 recites similar subject matter.

On page 3, the Office Action alleges that Thebaut discloses this subject matter, again citing lines 35-54 of col. 4. Nothing in the cited section of Thebaut is related to explicit separation of policy conditions into passive and triggering categories. While Thebaut may disclose domains, there is no suggestion that these domains are split into the two recited categories. Moreover, Thebaut's domain are

not exclusive, because an object may be a member of a plurality of domains, as set forth on lines 17-19 of col. 4.

Independent claim 8 also recites, in part, “determining policy-managed entity membership with respect to the policy equivalency class” (emphasis added). Claim 1 recites similar subject matter.

On page 3, the Office Action alleges that Thebaut discloses this subject matter, once again citing lines 35-54 of col. 4. The cited section of Thebaut is silent regarding policy-managed entity membership. The recited domain elements, first defined on line 16 of col. 16, are not related to a particular policy equivalency class. Instead, rules from multiple domains may be applicable to each domain element E.

Independent claim 8 recites, in part, “receiving an event satisfying the triggering condition that corresponds to said policy equivalency class” (emphasis added). Claim 1 recites similar subject matter.

On page 4, the Office Action alleges that line 24 of col. 5 in Thebaut discloses this subject matter. However, the cited section of Thebaut actually refers to an “event-triggered configuration,” a configuration that does not link a triggering condition to a policy equivalency class. Moreover, Thebaut does not provide for receipt of an event and determining whether the received event satisfies the triggering condition.

Independent claim 8 recites, in part, “distributing the policy decision corresponding to said triggering condition for policy enforcement to policy-managed entity members of the policy equivalency class” (emphasis added). The Office Action fails to address this subject matter, instead alleging, on page 5, that “Claim 8 is substantially the same as claim 1.” Because Thebaut lacks the claimed distribution, Thebaut does not disclose, suggest, or teach this subject matter.

Independent claim 8 recites, in part, “continuously evaluating said policy decision based on changes related to said passive conditions” (emphasis added). Claim 1 recites similar subject matter. Again, the Office Action fails to address this subject matter, instead alleging, on page 5, that “Claim 8 is substantially the same as claim 1.” Moreover, because Thebaut lacks continuous evaluation, Thebaut does not disclose, suggest, or teach this subject matter.

Independent claim 8 recites, in part, “scheduling prioritized policy evaluation for policy decisions that correspond to said policy equivalent class based on demands for said policy equivalent class or available resources” (emphasis added). Claim 1 recites similar subject matter.

On page 3, the Office Action alleges that Thebaut discloses this subject matter on lines 35-54 of col. 4. However, because the cited section is silent regarding demand-based scheduling, Thebaut does not disclose, suggest, or teach this subject matter.

Independent claim 8 recites, in part, “arranging said passive conditions according to a precedence ranking” (emphasis added). Claim 1 recites similar subject matter.

On page 4, the Office Action alleges that Mahon taught that “passive conditions were used in a group policy setting.” However, the Office Action fails to show, in either Mahon or Thebaut, arrangement of passive conditions according to a precedence ranking. Thus, the references of record do not disclose, suggest, or teach this subject matter.

Independent claim 8 recites, in part, “assigning a higher priority to the policy equivalency class when said policy equivalency class is related to one of said triggering conditions” (emphasis added). Claim 1 recites similar subject matter.

On page 4, the Office Action alleges that Mahon taught that “passive conditions were used in a group policy setting.” However, the Office Action fails to show, in either Mahon or Thebaut, assignment of a higher priority to a policy equivalency class related to one of the triggering conditions. Thus, the references of record do not disclose, suggest, or teach this subject matter.

Accordingly, Applicant respectfully submits that independent claims 1 and 8 are allowable over the references of record. Claims 2, 4, and 5-7 depend from allowable independent claim 1. Claims 9, 10, and 12-19 depend from allowable independent claim 8. Thus, Applicant respectfully submits that claims 2, 4-7, 9-10,

and 12-19 are allowable at least on the basis of their respective dependencies upon allowable independent claims. Accordingly, Applicant respectfully requests that the rejection of claims 1-2, 4-10, and 12-19 under 35 U.S.C. § 103(a) be withdrawn.

NEWLY ADDED DEPENDENT CLAIMS 20 AND 21

Applicant respectfully submits that newly added claims 20 and 21 are also allowable. These claims recite in part, the following subject matter: “wherein the policy equivalency class aggregates Internet Protocol (IP) addresses based upon whether credits are prepaid and whether the IP addresses are available to receive content” (emphasis added). This subject matter finds support, for example, in paragraph [0047] of the specification.

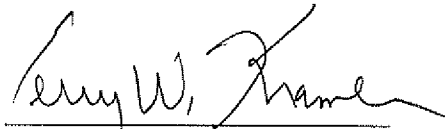
Claims 20 and 21 respectively depend from claims 1 and 8. Thus, applicant respectfully submits that these claims are allowable at least due to their respective dependencies from allowable claims. In addition, as suggested by Examiner Swearingen during the interview on June 12, 2009, these claims clearly define four categories of policy equivalency class (PEC), these categories corresponding to the presence or absence of pre-paid credits and availability. Thus, as recited in paragraph [0047], there are four PECs, PEC 1, PEC 2, PEC 3, and PEC 4.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in black ink, appearing to read "Terry W. Kramer", written over a horizontal line.

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